



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eleftheria Maratos-Flier et al. Art Unit : 1647
Serial No. : 09/159,068 Examiner : Christine Saoud, Ph.D.
Filed : September 23, 1998
Title : REGULATION OF EATING BEHAVIOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF TIMELY MAILING UNDER 37 CFR §1.8
STATEMENT OF LEDA TRIVINOS

I, LEDA TRIVINOS, declare as follows:

I am an associate at the law firm of FISH & RICHARDSON P.C.

I first became aware of the abandonment of the above patent on July 15, 2003, upon receipt of the Notice of Abandonment. I submit that the accompanying petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

On May 14, 2003, I signed the correspondence entitled Response for Louis Myers, attorney of record in the present case. I gave the signed documents to my secretary, Maria Reen, who signed the certificate of mailing stamped directly on the correspondence, which indicated that the correspondence and accompanying postcard were being deposited with the United States Postal Service on May 14, 2003. Ms. Reen then made photocopies for the file, sealed the originals in an special envelope preprinted with the address of the Assistant Commissioner of Patents, and left the envelope in one of the designated "pick-up stations" to be delivered to the United States Postal Service in accordance with the procedures of our firm.

Knowing the procedures for outgoing mail and my secretary's experience with them, I had reasonable basis to expect that the correspondence would be deposited with the United States Postal Service on the date indicated.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Eleftheria Maratos-Flier et al.
Serial No. : 09/159,068
Filed : September 23, 1998
Page : 2 of 2

Attorney's Docket No.: 10276-014002 / JDP-025CN

On July 15, 2003 I received a Notice of Abandonment which had been mailed July 10, 2003, indicating that the above application had been deemed abandoned for failure to respond to the Office action. It was upon receipt of this notification that I first became aware that the application was abandoned.

Respectfully submitted,

Date: 10 September 2003



Leda Trivinos
Reg. No. 50,635

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906